

State of Arizona
House of Representatives
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 188

HOUSE BILL 2015

AN ACT

AMENDING SECTION 3-1332, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 270, SECTION 6; AMENDING SECTION 3-1332, ARIZONA REVISED STATUTES, AS AMENDED BY THIS ACT; REPEALING SECTION 3-1332, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 270, SECTION 7; REPEALING SECTION 3-1332, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 328, SECTION 1; AMENDING SECTION 13-2008, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2000, CHAPTER 189, SECTION 8; AMENDING SECTION 13-2008, ARIZONA REVISED STATUTES, AS AMENDED BY THIS ACT; REPEALING SECTION 13-2008, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 83, SECTION 2; AMENDING SECTION 20-1003, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2000, CHAPTER 339, SECTION 1; REPEALING SECTION 20-1003, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 214, SECTION 9; AMENDING SECTION 20-1004, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2000, CHAPTER 339, SECTION 2; REPEALING SECTION 20-1004, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 132, SECTION 7 AND CHAPTER 214, SECTION 10; AMENDING SECTION 32-106.02, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2001, CHAPTER 196, SECTION 3; REPEALING SECTION 32-106.02, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 297, SECTION 5; AMENDING SECTION 32-921, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 99, SECTION 9; REPEALING SECTION 32-921, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 257, SECTION 2; REPEALING SECTION 32-1601, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 254, SECTION 15; AMENDING SECTION 36-342, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 160, SECTION 1; AMENDING SECTION 36-342, ARIZONA REVISED STATUTES, AS AMENDED BY THIS ACT; REPEALING SECTION 36-342, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 160, SECTION 2; REPEALING SECTION

36-342, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 267, SECTION 14; AMENDING SECTION 36-3408, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2001, CHAPTER 60, SECTION 1 AND CHAPTER 344, SECTION 87; REPEALING SECTION 36-3408, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 329, SECTION 16; AMENDING SECTION 41-1279.03, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 164, SECTION 3; REPEALING SECTION 41-1279.03, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 245, SECTION 1; REPEALING SECTION 41-1279.03, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 330, SECTION 40; TRANSFERRING SECTION 41-2831, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 41, CHAPTER 26, ARTICLE 1; AMENDING SECTION 41-3955, ARIZONA REVISED STATUTES, AS ADDED BY LAWS 2001, CHAPTER 22, SECTION 14; REPEALING SECTION 41-3955, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 283, SECTION 9; AMENDING SECTION 49-543, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 260, SECTION 15; REPEALING SECTION 49-543, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 296, SECTION 3; AMENDING SECTION 49-551, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 241, SECTION 31 AND CHAPTER 260, SECTION 17; REPEALING SECTION 49-551, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 296, SECTION 5; RELATING TO MULTIPLE, DEFECTIVE AND CONFLICTING LEGISLATIVE DISPOSITIONS OF STATUTORY TEXT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Purpose

3 1. Section 3-1332, Arizona Revised Statutes, was amended by Laws 2002,
4 chapter 270, sections 6 and 7 and Laws 2002, chapter 328, section 1. These
5 three versions could not be blended because of the delayed effective date of
6 the chapter 270, section 7 version. In order to combine the chapter 328
7 version with both chapter 270 versions, this act amends the Laws 2002,
8 chapter 270, section 6 version to incorporate the amendments made by Laws
9 2002, chapter 328, amends that combined version to incorporate the amendments
10 made by Laws 2002, chapter 270, section 7 and the chapter 270, section 7 and
11 chapter 328 versions are repealed.

12 2. Section 13-2008, Arizona Revised Statutes, was amended by Laws
13 2001, chapter 113, section 2 and section 13-2008, Arizona Revised Statutes,
14 as amended by Laws 2001, chapter 113, section 2, was amended by Laws 2002,
15 chapter 83, section 2. However, these versions did not reflect the previous
16 valid version of the section. In order to comply with article IV, part 2,
17 section 14, Constitution of Arizona, this act amends section 13-2008, Arizona
18 Revised Statutes, as amended by Laws 2000, chapter 189, section 8, to
19 incorporate the amendments made by Laws 2001, chapter 113 and amends that
20 version of section 13-2008, Arizona Revised Statutes, to incorporate the
21 amendments made by Laws 2002, chapter 83 and the chapter 83 version is
22 repealed.

23 3. Section 20-1003, Arizona Revised Statutes, was amended by Laws
24 2001, chapter 327, section 4 and section 20-1003, Arizona Revised Statutes,
25 as amended by Laws 2001, chapter 327, section 4, was amended by Laws 2002,
26 chapter 214, section 9. However, these versions did not reflect the previous
27 valid version of the section. In order to comply with article IV, part 2,
28 section 14, Constitution of Arizona, this act amends section 20-1003, Arizona
29 Revised Statutes, as amended by Laws 2000, chapter 339, section 1 to
30 incorporate the amendments made by Laws 2001, chapter 327 and Laws 2002,
31 chapter 214 and the chapter 214 version is repealed.

32 4. Section 20-1004, Arizona Revised Statutes, was amended by Laws
33 2001, chapter 327, section 5 and section 20-1004, Arizona Revised Statutes,
34 as amended by Laws 2001, chapter 327, section 5, was amended by Laws 2002,
35 chapter 132, section 7 and chapter 214, section 10. However, these versions
36 did not reflect the previous valid version of the section. In order to
37 comply with article IV, part 2, section 14, Constitution of Arizona, this act
38 amends section 20-1004, Arizona Revised Statutes, as amended by Laws 2000,
39 chapter 339, section 2 to incorporate the amendments made by Laws 2001,
40 chapter 327 and Laws 2002, chapters 132 and 214 and the 2002 blend version
41 is repealed.

42 5. Section 32-106.02, Arizona Revised Statutes, was amended by Laws
43 2002, chapter 297, section 5. However, the version of this section that was
44 amended was erroneously identified in the title of the paper copy of the act
45 in violation of article IV, part 2, section 13, Constitution of Arizona. In

1 order to correct a potentially defective enactment, this act amends the
2 previous valid version of section 32-106.02, Arizona Revised Statutes, to
3 incorporate the amendments made by Laws 2002, chapter 297 and the chapter 297
4 version is repealed.

5 6. Section 32-921, Arizona Revised Statutes, was amended by Laws 2002,
6 chapter 99, section 9 and Laws 2002, chapter 257, section 2. The chapter 257
7 version could not be blended because it failed to amend the chapter 99
8 version, which was an emergency enactment, and therefore did not comply with
9 article IV, part 2, section 14, Constitution of Arizona. To accomplish the
10 intent of these enactments, this act amends the Laws 2002, chapter 99 version
11 of section 32-921, Arizona Revised Statutes, to incorporate the amendments
12 made by Laws 2002, chapter 257 and the chapter 257 version is repealed.

13 7. Section 32-1601, Arizona Revised Statutes, was amended by Laws
14 2002, chapter 203, section 1 and Laws 2002, chapter 254, section 15. The
15 chapter 254 version could not be blended because it failed to amend the
16 chapter 203 version, which became effective on the governor's signature
17 pursuant to article IX, section 22, Constitution of Arizona, and therefore
18 did not comply with article IV, part 2, section 14, Constitution of
19 Arizona. Since the Laws 2002, chapter 203 version included two of the
20 changes made in the Laws 2002, chapter 254 version and the other two changes
21 made by the chapter 254 version were a technical change and a conforming
22 change to language that was deleted by the chapter 203 version, this act
23 repeals the chapter 254 version of section 32-1601, Arizona Revised Statutes.

24 8. Section 36-342, Arizona Revised Statutes, was amended by Laws 2002,
25 chapter 160, sections 1 and 2 and Laws 2002, chapter 267, section 14. These
26 three versions could not be blended because of the delayed effective date of
27 the chapter 160, section 2 version. In order to combine the chapter 267
28 version with both chapter 160 versions, this act amends the Laws 2002,
29 chapter 160, section 1 version to incorporate the amendments made by Laws
30 2002, chapter 267, amends that combined version to incorporate the amendments
31 made by Laws 2002, chapter 160, section 2 and the chapter 160, section 2 and
32 chapter 267 versions are repealed.

33 9. Section 36-3408, Arizona Revised Statutes, was amended by Laws
34 2002, chapter 329, section 16. However, this version did not reflect the
35 previous valid version of the section. In order to comply with article IV,
36 part 2, section 14, Constitution of Arizona, this act amends section 36-3408,
37 Arizona Revised Statutes, as amended by Laws 2001, chapter 60, section 1 and
38 chapter 344, section 87, to incorporate the amendments made by Laws 2002,
39 chapter 329 and the chapter 329 version is repealed.

40 10. Section 41-1279.03, Arizona Revised Statutes, was amended by Laws
41 2002, chapter 164, section 3, Laws 2002, chapter 245, section 1 and Laws
42 2002, chapter 330, section 40. The chapter 245 and 330 versions could not
43 be blended because they failed to amend the chapter 164 version, which was
44 an emergency enactment, and therefore did not comply with article IV, part
45 2, section 14, Constitution of Arizona. To accomplish the intent of these

1 enactments, this act amends the Laws 2002, chapter 164 version of section
2 41-1279.03, Arizona Revised Statutes, to incorporate the amendments made by
3 Laws 2002, chapter 245 and Laws 2002, chapter 330 and the chapter 245 and 330
4 versions are repealed.

5 11. Section 41-2831, Arizona Revised Statutes, was added by Laws 2002,
6 chapter 304, section 8 to title 41, chapter 26, article 2, Arizona Revised
7 Statutes. However, there is no title 41, chapter 26, article 2, Arizona
8 Revised Statutes. In order to correct a potentially defective enactment,
9 this act transfers section 41-2831, Arizona Revised Statutes, as part of
10 title 41, chapter 26, article 1, Arizona Revised Statutes.

11 12. Section 41-3955, Arizona Revised Statutes, as added by Laws 2001,
12 chapter 22, section 14, was amended by Laws 2002, chapter 283, section
13 9. The Laws 2001, chapter 22 version was not effective until October 1,
14 2002. The Laws 2002, chapter 283 version was effective on August 22,
15 2002. In order to correct a potentially defective enactment, this act amends
16 the Laws 2001, chapter 22 version of section 41-3955, Arizona Revised
17 Statutes, to incorporate the amendments made by Laws 2002, chapter 283 and
18 the chapter 283 version is repealed.

19 13. Section 49-543, Arizona Revised Statutes, was amended by Laws 2002,
20 chapter 260, section 15 and Laws 2002, chapter 296, section 3. These two
21 versions could not be blended because of the delayed effective date of the
22 chapter 296 version. In order to combine these two versions, this act amends
23 the Laws 2002, chapter 260 version of section 49-543, Arizona Revised
24 Statutes, to incorporate the amendments made by Laws 2002, chapter 296 and
25 the chapter 296 version is repealed.

26 14. Section 49-551, Arizona Revised Statutes, was amended by Laws 2002,
27 chapter 241, section 31, Laws 2002, chapter 260, section 17 and Laws 2002,
28 chapter 296, section 5. These three versions could not be blended because
29 of the delayed effective date of the chapter 296 version. In order to
30 combine these three versions, this act amends the 2002 blend version of
31 section 49-551, Arizona Revised Statutes, to incorporate the amendments made
32 by Laws 2002, chapter 296 and the chapter 296 version is repealed.

33 Sec. 2. Section 3-1332, Arizona Revised Statutes, as amended by Laws
34 2002, chapter 270, section 6, is amended to read:

35 3-1332. Method, place and time of inspecting livestock

36 A. Livestock officers and inspectors shall inspect livestock, other
37 than equine ~~inspected pursuant to section 3-1344~~ and livestock subject to
38 authorized self-inspection, for health, marks and brands at loading stations,
39 at places of exit from the state and at places where livestock are gathered
40 to be sold, slaughtered, transported, conveyed, shipped or driven from their
41 range for any purpose. Livestock officers and inspectors need not inspect
42 outgoing livestock from feed lots, dairies and producers utilizing
43 self-inspection pursuant to section 3-1203 but may conduct periodic
44 inspections to ascertain compliance with this article.

1 B. Feed lots, dairies and producers utilizing self-inspection approved
2 by the division under section 3-1203 shall comply with the applicable
3 provisions of this section and procedures established by the division.

4 C. Brand inspections shall be made by daylight and in a manner which
5 enables the livestock officer or inspector personally to see, inspect and
6 record each and every mark and brand. Inspections of livestock for health
7 at a slaughterhouse may be made by other than daylight if adequate artificial
8 light is provided.

9 D. Upon being advised that livestock is subject to inspection,
10 livestock officers and inspectors shall arrange for the inspection of the
11 livestock and inspect such livestock within twelve hours.

12 E. The animal services division, the plant industries division and the
13 office of inspections shall cooperate to provide livestock inspections at
14 border inspection stations or department offices and to train appropriate
15 personnel to perform these inspections. Employees of the plant industries
16 division acting under this subsection do not have enforcement powers
17 otherwise granted to livestock officers. In the case of an apparent
18 discrepancy, disease or other problem a livestock officer or inspector
19 employed by the animal services division shall be called on to make a final
20 inspection and determination. The associate director of the animal services
21 division shall assign at least one livestock officer or inspector to be on
22 call from each office operated by the plant industries division under this
23 subsection.

24 Sec. 3. Section 3-1332, Arizona Revised Statutes, as amended by
25 section 2 of this act, is amended to read:

26 3-1332. Method, place and time of inspecting livestock

27 A. Livestock officers and inspectors shall inspect livestock, other
28 than equine and livestock subject to authorized self-inspection, for health,
29 marks and brands at loading stations, at places of exit from the state and
30 at places where livestock are gathered to be sold, slaughtered, transported,
31 conveyed, shipped or driven from their range for any purpose **WHATEVER EXCEPT**
32 **WHEN LIVESTOCK ARE BEING MOVED FROM PASTURE TO A DESTINATION IN THIS STATE**
33 **AND NO CHANGE OF OWNERSHIP, SLAUGHTER OR OTHER DISPOSITION IS INVOLVED AND**
34 **THE OWNER IS UTILIZING SELF-INSPECTION APPROVED BY THE DIVISION UNDER SECTION**
35 **3-1203.** Livestock officers and inspectors need not inspect outgoing
36 livestock from feed lots, dairies and producers utilizing self-inspection
37 pursuant to section 3-1203 but may conduct periodic inspections to ascertain
38 compliance with this article.

39 B. Feed lots, dairies and producers utilizing self-inspection approved
40 by the division under section 3-1203 shall comply with the applicable
41 provisions of this section and procedures established by the division.

42 C. Brand inspections shall be made by daylight and in a manner which
43 enables the livestock officer or inspector personally to see, inspect and
44 record each and every mark and brand. Inspections of livestock for health

1 at a slaughterhouse may be made by other than daylight if adequate artificial
2 light is provided.

3 D. Upon being advised that livestock is subject to inspection,
4 livestock officers and inspectors shall arrange for the inspection of the
5 livestock and inspect such livestock within twelve hours.

6 E. The animal services division, the plant industries division and the
7 office of inspections shall cooperate to provide livestock inspections at
8 border inspection stations or department offices and to train appropriate
9 personnel to perform these inspections. Employees of the plant industries
10 division acting under this subsection do not have enforcement powers
11 otherwise granted to livestock officers. In the case of an apparent
12 discrepancy, disease or other problem a livestock officer or inspector
13 employed by the animal services division shall be called on to make a final
14 inspection and determination. The associate director of the animal services
15 division shall assign at least one livestock officer or inspector to be on
16 call from each office operated by the plant industries division under this
17 subsection.

18 Sec. 4. Repeal

19 The following are repealed:

20 1. Section 3-1332, Arizona Revised Statutes, as amended by Laws 2002,
21 chapter 270, section 7, is repealed.

22 2. Section 3-1332, Arizona Revised Statutes, as amended by Laws 2002,
23 chapter 328, section 1, is repealed.

24 Sec. 5. Section 13-2008, Arizona Revised Statutes, as amended by Laws
25 2000, chapter 189, section 8, is amended to read:

26 13-2008. Taking identity of another person; classification

27 A. A person commits taking the identity of another person if the
28 person knowingly takes, or uses, SELLS OR TRANSFERS any personal identifying
29 information of another person, without the consent of that other person, with
30 the intent to obtain, or use, SELL OR TRANSFER the other person's identity
31 for any unlawful purpose or to cause loss to a person.

32 B. A peace officer in any jurisdiction in which an element of the
33 offense is committed or a result of the offense occurs may take a report.

34 C. If a defendant is alleged to have committed multiple violations of
35 this section within the same county, the prosecutor may file a complaint
36 charging all of the violations and any related charges under other sections
37 that have not been previously filed in the justice of the peace precinct in
38 which the greatest number of violations are alleged to have occurred.

39 D. Taking the identity of another person is a class 4 felony.

40 ~~E. For the purposes of this section, "victim" includes a person whose~~
41 ~~personal identifying information is taken or used without consent, whether~~
42 ~~or not the victim actually suffers any economic loss as a result of the~~
43 ~~offense.~~

1 Sec. 6. Section 13-2008, Arizona Revised Statutes, as amended by
2 section 5 of this act, is amended to read:

3 13-2008. Taking identity of another person; classification

4 A. A person commits taking the identity of another person if the
5 person knowingly takes, uses, sells or transfers any personal identifying
6 information of another person, without the consent of that other person, with
7 the intent to obtain, use, sell or transfer the other person's identity for
8 any unlawful purpose or to cause loss to a person WHETHER OR NOT THE PERSON
9 ACTUALLY SUFFERS ANY ECONOMIC LOSS AS A RESULT OF THE OFFENSE.

10 B. A peace officer in any jurisdiction in which an element of the
11 offense is committed or a result of the offense occurs may take a report.

12 C. If a defendant is alleged to have committed multiple violations of
13 this section within the same county, the prosecutor may file a complaint
14 charging all of the violations and any related charges under other sections
15 that have not been previously filed in the justice of the peace precinct in
16 which the greatest number of violations are alleged to have occurred.

17 D. Taking the identity of another person is a class 4 felony.

18 Sec. 7. Repeal

19 Section 13-2008, Arizona Revised Statutes, as amended by Laws 2002,
20 chapter 83, section 2, is repealed.

21 Sec. 8. Section 20-1003, Arizona Revised Statutes, as amended by Laws
22 2000, chapter 339, section 1, is amended to read:

23 20-1003. Application for certificate of authority

24 A. An application for a certificate of authority to operate as a
25 prepaid dental plan organization shall be filed with the director in a form
26 prescribed by the director, shall be verified by an officer or authorized
27 representative of the applicant and shall set forth, or be accompanied by,
28 the following:

29 1. A copy of any basic organizational document of the applicant such
30 as the articles of incorporation, articles of association, partnership
31 agreement, trust agreement or other applicable documents and all amendments
32 to such THE documents.

33 2. A copy of any bylaws, rules and regulations or similar document
34 regulating the conduct of the internal affairs of the applicant.

35 3. A list of the names, addresses and official positions of the
36 persons who are responsible for the conduct of the affairs of the applicant,
37 including all members of the board of directors, board of trustees, executive
38 committee or other governing board or committee, the principal officers in
39 the case of a corporation and the partners of members in the case of a
40 partnership or association.

41 4. If the prepaid dental plan organization is a corporation, evidence
42 that the board of directors of such THE corporation includes:

43 (a) Dentists who are duly licensed pursuant to title 32, chapter 11
44 and who have contracted with the corporation to render dental service to
45 members.

1 (b) Members of the prepaid dental plan, who shall comprise at least
2 one-third of the members of the board.

3 5. A copy of any contract made or to be made between any providers or
4 persons listed in paragraph 3 of ~~this subsection~~ and the applicant.

5 6. A statement generally describing the prepaid dental plan
6 organization and its dental plan or plans, facilities and personnel, as
7 approved by the director.

8 7. A copy of the form of membership coverage that is to be issued to
9 the members.

10 8. A copy of the form of any group contract that is to be issued to
11 employers, unions, trustees or other applicants.

12 9. Financial statements showing the applicant's assets, liabilities
13 and sources of financial support. If the applicant's financial affairs are
14 audited by independent certified public accountants, a copy of the
15 applicant's most recent regular certified financial statement shall satisfy
16 this requirement unless the director determines that additional or more
17 recent financial information is required for the proper administration of
18 this article.

19 10. A description of the proposed method of marketing the plan, a
20 financial plan that includes a three-year projection of the initial operating
21 results anticipated and a statement as to the sources of working capital as
22 well as any other sources of funding.

23 11. A power of attorney duly executed by ~~such~~ THE applicant, if not
24 domiciled in this state, appointing the director, the director's successors
25 in office and duly authorized deputies as the true and lawful attorney of
26 ~~such~~ THE applicant in and for this state, on whom all lawful process in any
27 legal action or proceeding against the prepaid dental plan organization on
28 a cause of action arising in this state may be served.

29 12. A statement reasonably describing the geographic area or areas to
30 be served, as approved by the director.

31 13. ~~A THE fee of not less than twenty-five dollars nor more than~~
32 ~~seventy-five dollars~~ PRESCRIBED IN SECTION 20-167 for issuance of a
33 certificate of authority.

34 14. ~~Such~~ ANY other information as the director may require.

35 B. Within ten days following AFTER any significant modification of
36 information previously furnished pursuant to subsection A of this section,
37 a prepaid dental plan organization shall file notice of that modification
38 with the director.

39 ~~C. The fees prescribed by this section shall be adjusted within the~~
40 ~~limits prescribed by this section at the same time and in the same manner~~
41 ~~prescribed by section 20-167, subsection G.~~

42 Sec. 9. Repeal

43 Section 20-1003, Arizona Revised Statutes, as amended by Laws 2002,
44 chapter 214, section 9, is repealed.

1 Sec. 10. Section 20-1004, Arizona Revised Statutes, as amended by Laws
2 2000, chapter 339, section 2, is amended to read:

3 20-1004. Issuance of certificate of authority

4 A. Issuance of a certificate of authority shall be granted by the
5 director if the director is satisfied that the following conditions are met:

6 1. The persons responsible for conducting the affairs of the prepaid
7 dental plan organization are competent and trustworthy and are professionally
8 capable of providing or arranging for the provision of services offered.

9 2. The prepaid dental plan organization constitutes an appropriate
10 mechanism to achieve an effective prepaid dental plan, in accordance with
11 regulations issued by the director, that shall include at least the basic
12 dental services appropriate to that plan as determined by the director.

13 3. The prepaid dental plan organization is financially responsible and
14 may reasonably be expected to meet its obligations to members and prospective
15 members. In making this determination the director shall consider at least:

16 (a) The financial soundness of the prepaid dental plan's arrangements
17 for services and the schedule of charges used.

18 (b) Any agreement with an insurer, a hospital or a medical service
19 corporation, a government or any other organization for insuring the payment
20 of the cost of prepaid dental services or the provisions for automatic
21 applicability of an alternative coverage in the event of discontinuance of
22 the plan.

23 (c) The sufficiency of an agreement with providers for the provision
24 of prepaid dental services.

25 4. Each officer responsible for conducting the affairs of the prepaid
26 dental plan organization has filed with the director, subject to the
27 director's approval, a fidelity bond in the amount of fifty thousand dollars.

28 ~~B. A certificate of authority shall expire at midnight on June 30 next~~
29 ~~following the date of issuance or previous renewal. If the prepaid dental~~
30 ~~plan organization remains in compliance with this article and has paid a~~
31 ~~renewal fee of not less than twenty-five dollars nor more than seventy-five~~
32 ~~dollars, its certificate shall be renewed.~~

33 ~~C. The fees prescribed by this section shall be adjusted within the~~
34 ~~limits prescribed by this section at the same time and in the same manner~~
35 ~~prescribed by section 20-167, subsection G.~~

36 Sec. 11. Repeal

37 Section 20-1004, Arizona Revised Statutes, as amended by Laws 2002,
38 chapter 132, section 7 and chapter 214, section 10, is repealed.

39 Sec. 12. Section 32-106.02, Arizona Revised Statutes, as amended by
40 Laws 2001, chapter 196, section 3, is amended to read:

41 32-106.02. Authority to investigate; civil penalties

42 A. The board may initiate a hearing pursuant to title 41, chapter 6,
43 article 10 on receipt of a complaint that a person who is not exempt from
44 this chapter and is not registered OR CERTIFIED under this chapter is
45 practicing, offering to practice or by implication purporting to be qualified

1 to practice as an architect, assayer, engineer, geologist, landscape
2 architect, home inspector or land surveyor ANY BOARD REGULATED PROFESSION OR
3 OCCUPATION. The board shall give notice of the hearing by mailing a copy of
4 the complaint to the person's last known address by certified mail return
5 receipt requested.

6 B. If after the hearing the board determines that based on the
7 evidence the person committed a violation under section 32-145, it, in
8 addition to any other sanction, action or remedy, shall issue an order that
9 imposes a civil penalty of no more than two thousand dollars per violation.

10 C. In determining the amount of the civil penalty it imposes, the
11 board shall consider:

- 12 1. The seriousness of the violation.
- 13 2. The economic benefit to the violator that was generated by the
14 violator's commission of the violation.
- 15 3. The violator's history of violations.
- 16 4. Any other considerations the board deems appropriate.

17 D. Except as provided in section 41-1092.08, subsection H, a person
18 may seek judicial review of a final administrative decision made or order
19 issued pursuant to this section pursuant to title 12, chapter 7, article 6.

20 E. If a person fails to pay a civil penalty that the board imposes
21 within thirty days after the board issues the order or if the order is stayed
22 pending appeal within ten days after the court enters a final judgment in
23 favor of the board, the board shall notify the attorney general. The
24 attorney general may commence a civil action to recover the penalty.

25 F. An action to enforce an order that was issued under this section
26 may be combined with a petition for injunction under section 32-106.01.

27 G. The board shall deposit, pursuant to sections 35-146 and 35-147,
28 all civil penalties collected under this section in the state general fund.

29 Sec. 13. Repeal

30 Section 32-106.02, Arizona Revised Statutes, as amended by Laws 2002,
31 chapter 297, section 5, is repealed.

32 Sec. 14. Section 32-921, Arizona Revised Statutes, as amended by Laws
33 2002, chapter 99, section 9, is amended to read:

34 32-921. Application for license; qualifications of applicant;
35 fee; background investigations

36 A. A person who wishes to practice chiropractic in this state shall
37 submit a written COMPLETE application to the board at least forty-five days
38 before the next scheduled examinations on a form and in the manner prescribed
39 by the board.

40 B. To be eligible for an examination and licensure, the applicant
41 shall:

- 42 1. Be a person of good character and reputation.
- 43 2. Be a graduate of a chiropractic college that both:
 - 44 (a) Is accredited by or has status with the council on chiropractic
45 education or is accredited by an accrediting agency recognized by the U.S.

1 department of education or the council on post-secondary POSTSECONDARY
2 accreditation or has the equivalent of these standards as determined by the
3 board.

4 (b) Teaches a resident course of four years of not less than nine
5 months each year, or the equivalent of thirty-six months of continuous study,
6 and that comprises not less than four thousand credit hours of resident study
7 required to receive a degree of doctor of chiropractic (D.C.).

8 3. Be physically and mentally able to practice chiropractic skillfully
9 and safely.

10 4. Have a certificate of attainment for part I and part II and a score
11 of three hundred seventy-five or more on part III of the examination
12 conducted by the national board of chiropractic examiners.

13 C. The board may refuse to give an examination to an applicant who
14 either:

15 1. Fails to qualify for an examination under subsection B of this
16 section.

17 ~~2. Has engaged during the period of two years next preceding the~~
18 ~~person's application in conduct constituting grounds for sanction pursuant~~
19 ~~to section 32-924.~~

20 2. HAS HAD A LICENSE TO PRACTICE CHIROPRACTIC REFUSED, REVOKED,
21 SUSPENDED OR RESTRICTED BY A REGULATORY BOARD IN THIS OR ANY OTHER
22 JURISDICTION FOR ANY ACT THAT CONSTITUTES UNPROFESSIONAL CONDUCT PURSUANT TO
23 THIS CHAPTER.

24 3. IS CURRENTLY UNDER INVESTIGATION BY A REGULATORY BOARD IN THIS OR
25 ANY OTHER JURISDICTION FOR AN ACT THAT CONSTITUTES UNPROFESSIONAL CONDUCT
26 PURSUANT TO THIS CHAPTER.

27 4. HAS SURRENDERED A LICENSE TO PRACTICE CHIROPRACTIC IN LIEU OF
28 DISCIPLINARY ACTION BY A REGULATORY BOARD IN THIS OR ANY OTHER JURISDICTION
29 FOR AN ACT THAT CONSTITUTES UNPROFESSIONAL CONDUCT PURSUANT TO THIS CHAPTER.

30 D. On making application, the applicant shall pay to the executive
31 director of the board a nonrefundable fee of one TWO hundred FIFTY
32 dollars. The board shall keep a register of all applicants and the result
33 of each examination.

34 E. In order to determine an applicant's eligibility for examination
35 and licensure, the board may require the applicant to submit a full set of
36 fingerprints to the board. The board shall submit the fingerprints to the
37 department of public safety for the purpose of obtaining a state and federal
38 criminal records check pursuant to section 41-1750 and Public Law
39 92-544. The department of public safety may exchange this fingerprint data
40 with the federal bureau of investigation. The board shall charge each
41 applicant a fee that is necessary to cover the cost of the
42 investigation. The board shall forward this fee to the department of public
43 safety.

1 Sec. 15. Repeal

2 Section 32-921, Arizona Revised Statutes, as amended by Laws 2002,
3 chapter 257, section 2, is repealed.

4 Sec. 16. Repeal

5 Section 32-1601, Arizona Revised Statutes, as amended by Laws 2002,
6 chapter 254, section 15, is repealed.

7 Sec. 17. Section 36-342, Arizona Revised Statutes, as amended by Laws
8 2002, chapter 160, section 1, is amended to read:

9 36-342. Fees received by state and local registrars

10 A. The director of the department of health services shall establish
11 by rule the fees, if any, to be charged for searches, copies of records,
12 applications to file delayed records, AND requests for supplementary birth
13 certificates, following THAT FOLLOW adoption, legitimation, paternity
14 determination, surgical alterations and chromosomal counts, or amendments to
15 existing records.

16 B. In addition to fees charged pursuant to subsection A of this
17 section, the department of health services shall assess an additional one
18 dollar surcharge on fees for all certified copies of birth certificates. The
19 monies received from the surcharge shall be deposited, pursuant to sections
20 35-146 and 35-147, in the confidential intermediary and private fiduciary
21 fund established pursuant to section 8-135.

22 C. The state registrar shall keep a true and accurate account of all
23 fees collected by the state registrar under this chapter and shall deposit,
24 pursuant to sections 35-146 and 35-147, forty per cent of these monies in the
25 vital records electronic systems fund established by section 36-342.01 and
26 the remaining sixty per cent in the state general fund.

27 D. In class A registration districts, and in class B registration
28 districts if the local registrar is an employee of a local health department,
29 the local registrar shall keep a true and accurate account of all fees
30 collected by the local registrar under this chapter and shall deposit them
31 with the county treasurer to be credited to a special registration and
32 statistical revenue account of the health department fund.

33 E. In addition to fees collected pursuant to subsection A of this
34 section, the department of health services shall assess an additional one
35 dollar surcharge on fees for all certified copies of death certificates.
36 Pursuant to sections 35-146 and 35-147, the department shall deposit monies
37 it receives from this surcharge in the child fatality review fund established
38 by section 36-3504.

39 Sec. 18. Section 36-342, Arizona Revised Statutes, as amended by
40 section 17 of this act, is amended to read:

41 36-342. Fees received by state and local registrars

42 A. The director of the department of health services shall establish
43 by rule the fees, if any, to be charged for searches, copies of records,
44 applications to file delayed records and requests for supplementary birth
45 certificates that follow adoption, legitimation, paternity determination,

1 surgical alterations and chromosomal counts, or amendments to existing
2 records.

3 B. In addition to fees charged pursuant to subsection A of this
4 section, the department of health services shall assess an additional one
5 dollar surcharge on fees for all certified copies of birth certificates. The
6 monies received from the surcharge shall be deposited, pursuant to sections
7 35-146 and 35-147, in the confidential intermediary and fiduciary fund
8 established pursuant to section 8-135.

9 C. The state registrar shall keep a true and accurate account of all
10 fees collected by the state registrar under this chapter and shall deposit
11 THEM, pursuant to sections 35-146 and 35-147, ~~forty per cent of these monies~~
12 ~~in the vital records electronic systems fund established by section 36-342.01~~
13 ~~and the remaining sixty per cent in the state general fund.~~

14 D. In class A registration districts, and in class B registration
15 districts if the local registrar is an employee of a local health department,
16 the local registrar shall keep a true and accurate account of all fees
17 collected by the local registrar under this chapter and shall deposit them
18 with the county treasurer to be credited to a special registration and
19 statistical revenue account of the health department fund.

20 E. In addition to fees collected pursuant to subsection A of this
21 section, the department of health services shall assess an additional one
22 dollar surcharge on fees for all certified copies of death certificates.
23 Pursuant to sections 35-146 and 35-147, the department shall deposit monies
24 it receives from this surcharge in the child fatality review fund established
25 by section 36-3504.

26 Sec. 19. Repeal

27 The following are repealed:

28 1. Section 36-342, Arizona Revised Statutes, as amended by Laws 2002,
29 chapter 160, section 2, is repealed.

30 2. Section 36-342, Arizona Revised Statutes, as amended by Laws 2002,
31 chapter 267, section 14, is repealed.

32 Sec. 20. Section 36-3408, Arizona Revised Statutes, as amended by Laws
33 2001, chapter 60, section 1 and chapter 344, section 87, is amended to read:

34 36-3408. Eligibility for behavioral health service system;
35 screening process; required information

36 A. Any person who requests behavioral health services pursuant to this
37 chapter or the person's parent or legal guardian shall comply with a
38 preliminary financial screening and eligibility process developed by the
39 department of health services in coordination with the Arizona health care
40 cost containment system administration and administered at the initial intake
41 level. A person who receives behavioral health services pursuant to this
42 chapter and who has not been determined eligible for title XIX or title XXI
43 services shall comply annually with the eligibility determination process.
44 If the results indicate that the person may be title XIX eligible, in order
45 to continue to receive services pursuant to this chapter, the applicant shall

1 submit a completed application within ten working days to the social security
2 administration, the department of economic security or the Arizona health
3 care cost containment system administration, which shall determine the
4 applicant's eligibility pursuant to section 36-2901, paragraph 6, subdivision
5 (a), section 36-2931, paragraph 5 or section 36-2981, paragraph 6 for health
6 and medical or long-term care services. The applicant shall cooperate fully
7 with the eligibility determination process. If the person is in need of
8 emergency services provided pursuant to this chapter, the person may begin
9 to receive these services immediately provided that within five days from the
10 date of service a financial screening is initiated.

11 B. Applicants, ~~except applicants for seriously mentally ill services,~~
12 who refuse to cooperate in the financial screening and eligibility process
13 are not eligible for services pursuant to this chapter. A form explaining
14 loss of benefits due to refusal to cooperate shall be signed by the
15 applicant. Refusal to cooperate shall not be construed to mean the
16 applicant's inability to obtain documentation required for eligibility
17 determination. The department of economic security and the Arizona health
18 care cost containment system administration shall promptly inform the
19 department of health services of the applications that are denied based on
20 an applicant's failure to cooperate with the eligibility determination
21 process and, on request, of applicants who do not submit an application as
22 required by this section.

23 C. The department of economic security, in coordination with the
24 department of health services, shall provide on-site eligibility
25 determinations at appropriate program locations subject to legislative
26 appropriation.

27 D. This section only applies to persons who receive services that are
28 provided pursuant to this section and that are paid for in whole or in part
29 with state funds.

30 E. A person who requests treatment services under this chapter shall
31 provide personally identifying information required by the department of
32 health services.

33 F. Except as otherwise provided by law, this section and cooperation
34 with the eligibility determination process do not entitle any person to any
35 particular services that are subject to legislative appropriation.

36 Sec. 21. Repeal

37 Section 36-3408, Arizona Revised Statutes, as amended by Laws 2002,
38 chapter 329, section 16, is repealed.

39 Sec. 22. Section 41-1279.03, Arizona Revised Statutes, as amended by
40 Laws 2002, chapter 164, section 3, is amended to read:

41 41-1279.03. Powers and duties

42 A. The auditor general shall:

43 1. Prepare an audit plan for approval by the committee and report to
44 the committee the results of each audit and investigation and other reviews
45 conducted by the auditor general.

1 2. Conduct or cause to be conducted at least biennial financial and
2 compliance audits of financial transactions and accounts kept by or for all
3 state agencies subject to the single audit act of 1984 (P.L. 98-502). The
4 audits shall be conducted in accordance with generally accepted governmental
5 auditing standards and accordingly shall include tests of the accounting
6 records and other auditing procedures as may be considered necessary in the
7 circumstances. The audits shall include the issuance of suitable reports as
8 required by the single audit act of 1984 (P.L. 98-502) so the legislature,
9 federal government and others will be informed as to the adequacy of
10 financial statements of the state in compliance with generally accepted
11 governmental accounting principles and to determine whether the state has
12 complied with laws and regulations that may have a material effect on the
13 financial statements and on major federal assistance programs.

14 3. Perform procedural reviews for all state agencies at times
15 determined by the auditor general. These reviews may include evaluation of
16 administrative and accounting internal controls and reports on such reviews.

17 4. Perform special research requests, special audits and related
18 assignments as designated by the committee and conduct performance audits,
19 special audits, special research requests and investigations of any state
20 agency, whether created by the constitution or otherwise, as may be requested
21 by the committee.

22 5. Annually on or before the fourth Monday of December prepare a
23 written report to the governor and to the committee which contains a summary
24 of activities for the previous fiscal year.

25 6. In the tenth year and in each third FIFTH year thereafter in which
26 a transportation excise tax is in effect in a county as provided in section
27 42-6104, 42-6106 or 42-6107 conduct a performance audit that:

28 (a) Reviews past expenditures and future planned expenditures of the
29 transportation excise tax revenues and determines the impact of the
30 expenditures in solving transportation problems within the county and, for
31 a transportation excise tax in effect in a county as provided in section
32 42-6107, determines whether the expenditures of the transportation excise tax
33 revenues comply with section 28-6392, subsection B.

34 (b) Reviews projects completed to date and projects to be completed
35 during the remaining years in which a transportation excise tax is in effect.
36 Within six months after each review period the auditor general shall present
37 a report to the speaker of the house of representatives and the president of
38 the senate detailing findings and making recommendations. If the parameters
39 of the performance audit are set by the citizens transportation oversight
40 committee, the auditor general shall also present the report to the citizens
41 transportation oversight committee.

42 (c) Reviews, determines, reports and makes recommendations to the
43 speaker of the house of representatives and the president of the senate
44 whether the distribution of highway user revenues complies with title 28,
45 chapter 18, article 2. If the parameters of the performance audit are set

1 by the citizens transportation oversight committee, the auditor general shall
2 also present the report to the citizens transportation oversight committee.

3 7. If requested by the committee, conduct performance audits of
4 counties and incorporated cities and towns receiving highway user revenue
5 fund monies pursuant to title 28, chapter 18, article 2 to determine if the
6 monies are being spent as provided in section 28-6533, subsection B.

7 8. Perform special audits designated pursuant to law if the auditor
8 general determines that there are adequate monies appropriated for the
9 auditor general to complete the audit. If the auditor general determines the
10 appropriated monies are inadequate, the auditor general shall notify the
11 committee.

12 9. Beginning on July 1, 2001, establish a school-wide audit team in
13 the office of the auditor general to conduct performance audits and monitor
14 school districts to determine the percentage of every dollar spent in the
15 classroom by a school district. ~~The school-wide audit team shall randomly~~
16 ~~audit each school district at least once every five years.~~ THE AUDITOR
17 GENERAL SHALL DETERMINE, THROUGH RANDOM SELECTION, THE SCHOOL DISTRICTS TO
18 BE AUDITED EACH YEAR, SUBJECT TO REVIEW BY THE JOINT LEGISLATIVE AUDIT
19 COMMITTEE.

20 B. The auditor general may:

21 1. Subject to approval by the committee, adopt rules necessary to
22 administer the duties of the office.

23 2. Hire consultants to conduct the studies required by subsection A,
24 paragraphs 6 and 7 of this section.

25 C. If approved by the committee the auditor general may charge a
26 reasonable fee for the cost of performing audits or providing accounting
27 services for auditing federal funds, special audits or special services
28 requested by political subdivisions of the state. Monies collected pursuant
29 to this subsection shall be deposited in the audit services revolving fund.

30 D. The department of transportation, the board of supervisors of a
31 county that has approved a county transportation excise tax as provided in
32 section 42-6104, 42-6106 or 42-6107 and the governing bodies of counties,
33 cities and towns receiving highway user revenue fund monies shall cooperate
34 with and provide necessary information to the auditor general or the auditor
35 general's consultant.

36 E. The department of transportation shall reimburse the auditor
37 general as follows, and the auditor general shall deposit the reimbursed
38 monies in the audit services revolving fund:

39 1. For the cost of conducting the studies or hiring a consultant to
40 conduct the studies required by subsection A, paragraph 6, subdivisions (a)
41 and (b) of this section, from monies collected pursuant to a county
42 transportation excise tax levied pursuant to section 42-6104, 42-6106 or
43 42-6107.

1 2. For the cost of conducting the studies or hiring a consultant
2 pursuant to subsection A, paragraph 6, subdivision (c) and paragraph 7 of
3 this section, from the Arizona highway user revenue fund.

4 Sec. 23. Repeal

5 The following are repealed:

6 1. Section 41-1279.03, Arizona Revised Statutes, as amended by Laws
7 2002, chapter 245, section 1.

8 2. Section 41-1279.03, Arizona Revised Statutes, as amended by Laws
9 2002, chapter 330, section 40.

10 Sec. 24. Transfer

11 Section 41-2831, Arizona Revised Statutes, is transferred for placement
12 in title 41, chapter 26, article 1, Arizona Revised Statutes.

13 Sec. 25. Section 41-3955, Arizona Revised Statutes, as added by Laws
14 2001, chapter 22, section 14, is amended to read:

15 41-3955. Housing trust fund; purpose

16 A. The housing trust fund is established, and the director shall
17 administer the fund. The fund consists of monies from unclaimed property
18 deposited in the fund pursuant to section 44-313 and investment earnings.

19 B. On notice from the department, the state treasurer shall invest
20 and divest monies in the fund as provided by section 35-313, and monies
21 earned from investment shall be credited to the fund.

22 C. Fund monies shall be spent on approval of the department for
23 developing projects and programs connected with providing housing
24 opportunities for low and moderate income households and for housing
25 affordability and Arizona housing finance authority programs. Pursuant to
26 section 44-313, subsection A, a portion of fund monies shall be used
27 exclusively for housing in rural areas.

28 D. In approving the expenditure of monies, the director shall give
29 priority to funding projects that provide for operating, constructing or
30 renovating facilities for housing for low income families and that provide
31 housing and shelter to families that have children.

32 E. The director shall report annually to the legislature on the
33 status of the housing trust fund. The report shall include a summary of
34 facilities for which funding was provided during the preceding fiscal year
35 and shall show the cost and geographic location of each facility and the
36 number of individuals benefiting from the operation, construction or
37 renovation of the facility. The report shall be submitted to the president
38 of the senate and the speaker of the house of representatives no later than
39 September 1 of each year.

40 F. Monies in the housing trust fund are exempt from the provisions of
41 section 35-190 relating to lapsing of appropriations.

42 G. An amount not to exceed ten per cent of the housing trust fund
43 monies may be appropriated annually by the legislature to the department for
44 administrative costs in providing services relating to the housing trust
45 fund.

1 H. For activities ~~authorized in~~ ANY CONSTRUCTION PROJECT FINANCED BY
2 THE DEPARTMENT PURSUANT TO this section, the department shall notify a city,
3 town, county or tribal government that a program ~~or~~ project is planned for
4 its jurisdiction and, before proceeding, shall seek comment from the
5 governing body of the city, town, county or tribal government or an official
6 authorized by the governing body of the city, town, county or tribal
7 government. The department shall not interfere with or attempt to override
8 the local jurisdiction's planning, zoning or land use regulations.

9 Sec. 26. Repeal

10 Section 41-3955, Arizona Revised Statutes, as amended by Laws 2002,
11 chapter 283, section 9, is repealed.

12 Sec. 27. Section 49-543, Arizona Revised Statutes, as amended by Laws
13 2002, chapter 260, section 15, is amended to read:

14 49-543. Emissions inspection costs; disposition; fleet
15 inspection; certificates

16 A. The director shall fix, regulate and alter in accordance with this
17 section the fees required to be paid for the full costs of the vehicle
18 emissions inspection program pursuant to this article including
19 administration, implementation and enforcement.

20 B. Except as provided in section 49-542.05, for all the emissions
21 inspections prior to the sixth registration year after purchase or lease of
22 a new vehicle, the owner of the vehicle shall do one of the following:

23 1. Have the vehicle inspected pursuant to this article.

24 2. Pay a twenty-five dollar fee in area A and a nine dollar fee in
25 area B. The owner shall pay this fee together with the registration fee for
26 the vehicle to the registering officer. The registering officer shall
27 deposit, pursuant to sections 35-146 and 35-147, these fees in the Arizona
28 clean air QUALITY fund established by section ~~49-411~~ 49-551. The registering
29 officer may enter into an intergovernmental agreement with another department
30 of this state to collect and deposit the fee. An owner who chooses to have
31 an emissions inspection pursuant to this article is not required to pay the
32 fee prescribed in this paragraph for that emissions test cycle.

33 C. Except as provided in section 49-542.05, the registration renewal
34 notice required for the second through fifth registration year of a new
35 vehicle shall include a notice to the vehicle owner that even though an
36 emissions inspection test is not required pursuant to ~~subsection B of this~~
37 section 49-542, SUBSECTION J, PARAGRAPH 2, SUBDIVISION (d) the owner may
38 choose to have an emissions inspection because of vehicle emissions
39 performance warranty limitations on emissions components of the vehicle.

40 D. The fees charged for official emissions inspection shall be uniform
41 as applied to each class of vehicle which shall be defined by the director.
42 Except for fees collected by the director pursuant to section 49-546, the
43 inspection fees required to be paid pursuant to this article may be collected
44 with the registration fee by the registering officer at the time and place
45 of motor vehicle registration pursuant to title 28, chapter 7, article 5 and

1 deposited, pursuant to sections 35-146 and 35-147, in the emissions
2 inspection fund in accordance with the rules adopted by the director or may
3 be collected by the independent contractor at the time of inspection by means
4 of an approved check or cash.

5 E. Any person, except a person who has been issued a certificate of
6 waiver pursuant to section 49-542, subsection L, whose vehicle has been
7 inspected at an official emissions inspection station shall, if the vehicle
8 was not found to comply with the minimum standards, have the vehicle
9 repaired, including recommended repair or replacement of emissions control
10 devices as a result of tampering, and have the right within sixty consecutive
11 calendar days but not thereafter to return the vehicle for one reinspection
12 without charge. The department may provide for additional reinspections
13 without charge. A vehicle shall not be deemed to pass a reinspection unless
14 the tampering discovered during the tampering inspection is repaired with new
15 or reconditioned emissions control devices.

16 F. The department shall issue certificates of inspection to owners of
17 fleet emissions inspection stations. Each certificate shall be validated by
18 the fleet emissions inspection stations in a manner required by the director
19 at the time that each owner's fleet vehicle has been inspected or has passed
20 inspection. The validated certificate of inspection shall indicate at the
21 time of registration that the owner's fleet vehicle has been inspected and
22 that the vehicle has passed inspection.

23 G. The director shall fix an emissions inspection fee before
24 inspection certificates may be issued to the owner of any fleet emissions
25 inspection station. Such fee shall be uniform for each inspection
26 certificate issued and shall be based upon the director's estimated costs to
27 the state of administering and enforcing the provisions of this article as
28 they apply to fleet emissions inspection stations and the vehicles inspected
29 in fleet emissions inspection stations. The director shall deposit, pursuant
30 to sections 35-146 and 35-147, all such monies collected by the director
31 pursuant to this article in the emissions inspection fund.

32 Sec. 28. Repeal

33 Section 49-543, Arizona Revised Statutes, as amended by Laws 2002,
34 chapter 296, section 3, is repealed.

35 Sec. 29. Section 49-551, Arizona Revised Statutes, as amended by Laws
36 2002, chapter 241, section 31 and chapter 260, section 17, is amended to
37 read:

38 49-551. Air quality fee; air quality fund; purpose

39 A. Every person who is required to register a motor vehicle in this
40 state pursuant to section 28-2153 shall pay, in addition to the registration
41 fee, an annual air quality fee at the time of vehicle registration of one
42 dollar fifty cents. Unless and until the United States environmental
43 protection agency grants a waiver for diesel fuel pursuant to section
44 211(c)(4) of the clean air act, every person who is required to register a
45 diesel powered motor vehicle in this state with a declared gross weight as

1 defined in section 28-5431 of more than eight thousand five hundred pounds
2 and every person who is subject to an apportioned fee for diesel powered
3 motor vehicles collected pursuant to title 28, chapter 7, articles 7 and 8
4 shall pay an additional apportioned diesel fee of ten dollars.

5 B. The registering officer shall collect the fees and immediately
6 deposit, pursuant to sections 35-146 and 35-147, the air quality fees in the
7 air quality fund established pursuant to subsection C of this section and
8 shall deposit the diesel fees in the voluntary vehicle repair and retrofit
9 program fund established pursuant to section 49-474.03.

10 C. An air quality fund is established consisting of monies received
11 pursuant to this section, SECTION 49-543, gifts, grants and donations, and
12 monies appropriated by the legislature. The department of environmental
13 quality shall administer the fund. ~~Monies appropriated for purposes~~
14 ~~prescribed by paragraph 5 of this subsection and gifts, grants and donations~~
15 ~~designated for purposes prescribed by paragraph 5 of this subsection shall~~
16 ~~be accounted for in one separate account within the fund. MONIES IN THE FUND~~
17 ~~ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO THE LAPSING OF~~
18 ~~APPROPRIATIONS. INTEREST EARNED ON MONIES IN THE FUND SHALL BE CREDITED TO~~
19 ~~THE FUND. MONIES IN THE FUND THAT ARE RECEIVED PURSUANT TO SECTION 49-543~~
20 ~~SHALL BE PLACED IN A SEPARATE ACCOUNT AND SHALL ONLY BE USED FOR THOSE~~
21 ~~PURPOSES THAT ARE PRESCRIBED IN SUBSECTION F OF THIS SECTION OR SECTION~~
22 ~~49-551.01. EXCEPT AS PROVIDED IN SUBSECTION F OF THIS SECTION, monies in the~~
23 ~~air quality fund shall be used, subject to legislative appropriation, for:~~

24 1. Air quality research, experiments and programs conducted by or for
25 the department for the purpose of bringing area A or area B into OR
26 MAINTAINING AREA A OR AREA B IN attainment status, improving air quality in
27 areas of this state outside area A or area B and reducing levels of
28 ~~particulate and ozone pollution both inside and outside of vehicle emissions~~
29 ~~control areas of this state EMISSIONS OF PARTICULATE MATTER, CARBON MONOXIDE,~~
30 ~~OXIDES OF NITROGEN, VOLATILE ORGANIC COMPOUNDS AND HAZARDOUS AIR POLLUTANTS~~
31 ~~THROUGHOUT THE STATE.~~

32 2. ~~Determining the cause of visual~~ MONITORING VISIBLE AIR POLLUTION
33 AND DEVELOPING AND IMPLEMENTING PROGRAMS TO REDUCE EMISSIONS OF POLLUTANTS
34 THAT CONTRIBUTE TO VISIBLE air pollution in counties with a population of
35 four hundred thousand persons or more.

36 3. ~~Conducting the hazardous air pollutants research program and~~
37 ~~preparing the report as prescribed by section 49-426.08.~~

38 4. 3. Developing and adopting rules in compliance with sections
39 49-426.03, 49-426.04, 49-426.05 and 49-426.06.

40 5. ~~Conducting a public education program to reduce emissions of ozone~~
41 ~~forming substances in cooperation with Maricopa county and other affected~~
42 ~~parties, including private industries. To the extent possible, this program~~
43 ~~shall be coordinated with other public and private efforts to increase public~~
44 ~~awareness of air quality issues. In addition, the department shall~~
45 ~~accelerate pollution prevention technical assistance efforts pursuant to~~

1 ~~section 49-965, subsection A, paragraph 6. The department shall identify~~
2 ~~sources that emit ozone forming substances and shall establish a~~
3 ~~clearinghouse for information on the supply of products that may be used to~~
4 ~~substitute for substances that contribute to ozone formation.~~

5 ~~D. No disbursement or expenditure of monies in the air quality fund~~
6 ~~may be made for any purposes other than those set forth in subsections C, E~~
7 ~~and G of this section.~~

8 ~~E. D. The department of environmental quality shall transfer four~~
9 ~~hundred thousand dollars from the air quality fund to the department of~~
10 ~~administration for the purposes prescribed by section 49-588 in eight~~
11 ~~installments in each of the first eight months of a fiscal year.~~

12 ~~F. E. This section does not apply to an electrically powered golf~~
13 ~~cart or an electrically powered vehicle.~~

14 ~~G. Monies in the fund do not revert to the general fund. The~~
15 ~~department may make grants to a regional planning agency, county, city or~~
16 ~~town located within a vehicle emissions control area or areas which have~~
17 ~~achieved maintenance status for the purpose of air quality research or~~
18 ~~implementation of programs designed to accomplish the purposes of this~~
19 ~~section.~~

20 F. THE DISBURSEMENT OF MONIES FOR AIR QUALITY CONTROL PROGRAMS AND
21 MEASURES FROM THE MONIES RECEIVED PURSUANT TO SECTION 49-543 SHALL BE
22 PURSUANT TO THIS SUBSECTION. THE MONIES SHALL BE USED FOR PROGRAMS AND
23 MEASURES IN COUNTIES THAT CONTAIN A PORTION OF AREA A OR AREA B. THE
24 DEPARTMENT MAY USE UP TO FIVE PER CENT OF THE ANNUAL REVENUES FOR THE COSTS
25 OF ADMINISTRATION. THE BALANCE SHALL BE USED FOR FUNDING THE FOLLOWING:

26 1. A VOLUNTARY LAWN AND GARDEN EQUIPMENT EMISSIONS REDUCTION PROGRAM
27 ESTABLISHED PURSUANT TO SECTION 49-474.02. FIVE PER CENT OF THE MONIES SHALL
28 BE USED FOR THIS PURPOSE.

29 2. A VOLUNTARY VEHICLE REPAIR AND RETROFIT PROGRAM ESTABLISHED
30 PURSUANT TO SECTION 49-474.03. FIFTEEN PER CENT OF THE MONIES SHALL BE USED
31 FOR THIS PURPOSE.

32 3. THE DIESEL VEHICLE LOW EMISSIONS INCENTIVE GRANT PROGRAM
33 ESTABLISHED BY SECTION 49-551.01. THIRTY PER CENT OF THE MONIES SHALL BE
34 USED FOR THIS PURPOSE. GRANTS FOR FUELS SHALL NOT EXCEED THE INCREMENTAL
35 COST DIFFERENTIAL FROM CONVENTIONAL DIESEL FUEL, EXCLUDING TAXES.

36 4. THE VOLUNTARY ACCELERATED PURCHASE OF TIER 2 AND TIER 3 EQUIPMENT
37 DESCRIBED IN SECTION 49-558. GRANT FUNDING SHALL NOT EXCEED ONE-HALF OF THE
38 INCREMENTAL COST DIFFERENCE BETWEEN THE INITIAL CAPITAL COST OF TIER 2 AND
39 TIER 3 EQUIPMENT AND CONVENTIONAL DIESEL EQUIPMENT. TEN PER CENT OF THE
40 MONIES SHALL BE USED FOR THIS PURPOSE.

41 5. FIFTEEN PER CENT FOR MAKING GRANTS TO FUND THE FOLLOWING
42 ACTIVITIES:

43 (a) A TRAVEL REDUCTION ORDINANCE PROGRAM.

44 (b) A VOLUNTARY NO DRIVE DAY PROGRAM.

1 6. ANY OTHER MEASURES OR PROGRAMS THAT HAVE BEEN EVALUATED BY THE
2 DEPARTMENT. THE EVALUATION SHALL INCLUDE AT LEAST A REVIEW AND ASSESSMENT
3 OF THE HEALTH AND ENVIRONMENTAL IMPACTS OF THE MEASURES OR PROGRAMS. THE
4 DEPARTMENT MAY EVALUATE MEASURES OR PROGRAMS ADOPTED BY OTHER JURISDICTIONS.
5 TWENTY-FIVE PER CENT OF THE MONIES SHALL BE USED FOR THIS PURPOSE. THE
6 DEPARTMENT MAY MAKE GRANTS FOR THE PURPOSES OF THIS PARAGRAPH.

7 7. IF THE AMOUNT OF MONIES AUTHORIZED PURSUANT TO PARAGRAPHS 1 THROUGH
8 6 OF THIS SUBSECTION HAVE NOT BEEN EXPENDED OR ENCUMBERED IN ANY FISCAL YEAR,
9 THE AMOUNT SHALL BE USED FOR FUNDING ANY OF THE PURPOSES DESCRIBED IN THIS
10 SUBSECTION.

11 G. THE ANNUAL REPORT OF THE DEPARTMENT SHALL INCLUDE A SECTION ON THE
12 GRANTS AWARDED PURSUANT TO SUBSECTION F OF THIS SECTION.

13 Sec. 30. Repeal

14 Section 49-551, Arizona Revised Statutes, as amended by Laws 2002,
15 chapter 296, section 5, is repealed.

16 Sec. 31. Retroactive application

17 A. Section 24 of this act applies retroactively to from and after June
18 30, 2000.

19 B. Section 5 of this act applies retroactively to August 9, 2001.

20 C. Sections 14 and 15 of this act apply retroactively to May 21, 2002.

21 D. Sections 8, 9, 10 and 11 of this act apply retroactively to from
22 and after June 30, 2002.

23 E. Sections 2, 4, 6, 7, 16, 17, 19, 20, 21, 22 and 23 of this act
24 apply retroactively to August 22, 2002.

25 F. Sections 25 and 26 of this act apply retroactively to from and
26 after September 30, 2002.

27 G. Sections 12, 13, 27, 28, 29 and 30 of this act apply retroactively
28 to from and after June 30, 2003.

29 Sec. 32. Effective dates

30 A. Section 3 of this act is effective from and after June 30, 2004.

31 B. Section 18 of this act is effective from and after June 30, 2006.

APPROVED BY THE GOVERNOR MAY 12, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 13, 2003.



Passed the House February 3, 2003,

by the following vote: 57 Ayes,

0 Nays, 1 Not Voting
2 vacancies

Jack Elake
Speaker of the House
Speman L. Spore
Chief Clerk of the House

Passed the Senate May 1, 2003,

by the following vote: 28 Ayes,

1 Nays, 1 Not Voting

Klu Bennett
President of the Senate
Charmine Bellington
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

H.B. 2015

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

May 6, 2003,

by the following vote: 56 Ayes,

0 Nays, 4 Not Voting

Jake Flake
Speaker of the House
Norman L. Spore
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

6 day of May, 2003,

at 12:00 o'clock P M.

Sandra Hamers
Secretary to the Governor

Approved this 12 day of

May, 2003,

at 9⁰⁰ o'clock A M.

J. T. Regier
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 13 day of May, 2003,

at 4:03 o'clock P M.

Jamie T. Bauer
Secretary of State

H.B. 2015